

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

DAVID SCUREMAN et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 13-1123 (PGS)

ORDER

This matter having been opened to the Court by Paul Fishman, United States Attorney for the District of New Jersey, by way of a Motion to Dismiss (ECF No. 8) Plaintiffs' complaint pursuant to Federal Rules of Civil Procedure 4(m) and 12(b)(1); and the Court having considered the submissions of the parties, and

WHEREAS Plaintiffs do not oppose dismissal of Plaintiff Carol Scureman's claim for loss of consortium pursuant to Rule 12(b)(1), and

WHEREAS Rule 4(m) grants the Court discretion to extend time for service of process, and

WHEREAS the Court may consider several factors in exercising its discretion under Rule 4(m) including 1) actual notice of the action, 2) prejudice to the defendant, 3) statute of limitations, 4) conduct of the defendant, 5) whether plaintiff is represented by counsel, and/or 6) any other relevant factor; and

WHEREAS Plaintiff's statute of limitations has expired, barring any refiling of this complaint; and

WHEREAS Defendant would not be significantly prejudiced by this delay;

IT IS on this 14<sup>th</sup> day of July 2014, hereby,

ORDERED that Defendant's Motion to Dismiss Plaintiff Carol Scureman's complaint for lack of jurisdiction is granted, and it is further

ORDERED that Defendant's Motion to Dismiss Plaintiff David Scureman's complaint for lack of service is denied.



Hon. Peter G. Sheridan, U.S.D.J.